

**IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF OHIO  
EASTERN DIVISION**

UNITED STATES OF AMERICA,	)	CASE NO. 1:16-CR-00224
	)	
Plaintiff,	)	JUDGE GAUGHAN
	)	
vs.	)	
	)	
	)	
RADU MICLAUS, et al.	)	<b><u>MOTION TO CONTINUE</u></b>
	)	<b><u>PRE-TRIALS AND TRIAL</u></b>
Defendants.	)	<b><u>BEYOND 70-DAY LIMIT</u></b>
	)	<b><u>AND TO DECLARE CASE</u></b>
	)	<b><u>AS COMPLEX</u></b>

Now comes Defendant Radu Miclaus (the "Defendant"), by and through counsel, and hereby respectfully moves this Court to continue the pre-trials and trial in this matter beyond the 70-day limit, for the following reasons and to declare this case a complex litigation case.

This is a large and complex case, with a 53-page/21 count complaint spanning a period of almost 10 years. It is anticipated that there will be approximately 1 terabyte (i.e. 1000 megabytes) worth of discovery documentation - which has to be functionally shared with the Defendant while the Defendant is housed at CCA. This is surely a daunting task.

The Defendant understands that, pursuant to 18 USC § 3161(h)(8) (the "Act"), the Defendant is entitled to the

commencement of a trial within seventy (70) days after the arraignment, or the filing of the indictment, whichever date occurs later. The Defendant also understands that this Court must then make the necessary findings in order for an continuance to be justified. Th Defendant also understands that the Act excludes periods of time and specified circumstances, including:

"a delay resulting from a continuance granted by any Judge on his Motion or at the request of the Defendant or his counsel...if the Judge grants such Continuance on the basis on his findings that the ends of justice served by taking such action outweigh the best interest of the public and the Defendant ends speedy trial." Title 18, Section 3161(h) (8) (A) .

The Defendant also understands that this Court may consider several factors in determining whether to grant a continuance, including whether the granting of such a continuance in a proceeding would result in a miscarriage of justice. The Defendant also understands that the Act also recognizes that when "the case is so unusual or so complex, due to the number of Defendants, the nature of the prosecution, or the existence of novel questions of fact or law, that it is unreasonable to expect adequate preparation for a pre-trial proceeding or for the trial itself within the time limits established by this Section."

Lastly, it is the understanding of the undersigned that the Assistant United States Attorney involved with this case has absolutely no objection to the request of the Defendant to continue the trial in this matter and declare this case complex.

Accordingly, the Defendant respectfully moves this Court to continue the pre-trials and trial dates beyond the 70-day limited

and to declare this case as complex.

Respectfully submitted;

LIPSON O'SHEA LEGAL GROUP

**/Michael J. O'Shea**

Michael J. O'Shea, Esq. (0039330)

[michael@lipsonoshea.com](mailto:michael@lipsonoshea.com)

Hoyt Block Building - Suite 110

700 West St. Clair Avenue

Cleveland, Ohio 44113

(216) 241-0011 - Cleveland office

(440) 356-2700 - Rocky River office

(440-331-5401 - fax

**Attorney for the Defendant**

### **PROOF OF SERVICE**

I hereby certify that a true copy of the foregoing has been filed electronically. Notice of this filing will be sent by operation of the Court's electronic filing system to all parties indicated on the electronic record. All other parties will be served by regular U.S. Mail. Parties may access this filing through the Court's electronic system.

S/Michael J. O'Shea

Michael J. O'Shea